

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ALFRED T. GIULIANO, CH. 7 TRUSTEE  
FOR THE ESTATE OF WEISMAN  
DISCOUNT HOME CENTERS, INC.,

Plaintiff/ Judgment  
Creditor,

-against-

N.B. MARBLE & GRANITE INC.,

Defendant/ Judgment  
Debtor.

Case No.: Misc 11-753

**ORDER TO SHOW CAUSE**

**WARNING:  
YOUR FAILURE TO APPEAR IN COURT  
MAY RESULT IN YOUR IMMEDIATE  
ARREST AND IMPRISONMENT FOR  
CONTEMPT OF COURT**

**NOTICE  
THE PURPOSE OF THE HEARING  
IS TO PUNISH YOU FOR CONTEMPT OF COURT,  
AND SUCH PUNISHMENT MAY  
CONSIST OF A FINE  
OR IMPRISONMENT, OR BOTH  
ACCORDING TO THE LAW**

Upon the annexed declaration of Oksana G. Wright, dated January 16, 2014, the exhibits annexed thereto, the accompanying memorandum of law, and the pleadings herein it is

**ORDERED**, that defendant, N.B. Marble & Granite Inc. ("N.B. Marble") and its CEO and principal executive officer, Onafrio Papia ("Papia"), show cause before this Court at Room 504N

United States Courthouse, 225 Cadman Plaza, New York, New York, on Feb 20, 2014, at

10 o'clock, why an order should not be issued pursuant to Rule 69 of the Federal Rules of Civil Procedure ("FRCP") and Sections 403(d), 5210, 5251, 5223, 2308(b), 5104 and Rule 5224(a) of the New York Civil Practice Law and Rules ("N.Y. CPLR") and Sections 753, 756, 773 of the New York Judiciary Law ("Judiciary Law"):

(a) Compelling Mr. Papia to respond to the information subpoena served upon him on September 28, 2013;

(b) holding Mr. Papia in contempt of Court in such manner and/or in such amount as the Court deems just and proper (including any sanctions, arrest, and imprisonment), for willfully refusing and failing to comply with the information subpoena served upon him;

(b) requiring Mr. Papia to pay Plaintiff's costs and attorney's fees expended in connection with this motion;

(c) holding N.B. Marble in contempt of Court in such manner and/or in such amount as the Court deems just and proper, for willfully refusing and failing to comply with the Court's September 10, 2013 Order; and

(c) for such other and further relief as this Court may deem just, proper and equitable.

**ORDERED** that personal service of this order, annexed declaration, exhibits, and memorandum of law upon Onafrio Papia on or before 5 <sup>P.M.</sup> o'clock on Jan. 30, 2014 shall be deemed good and sufficient service thereof.

**IT IS FURTHER ORDERED**, that defendant shall serve any answering or responsive papers upon Fox Rothschild, LLP, 100 Park Avenue, 15<sup>th</sup> Floor, New York, New York 10017,

attorneys for plaintiff, so that said papers are received by said attorneys no later than

Any reply papers shall be served by Feb. 18, 2014 @ 5 p.m.

DATED: New York, New York

ISSUED

January 24,  
2014

/VMS

United States District Judge

Magistrate